

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MILDRED WHITTIER A/N/F AND  
ATTORNEY IN FACT FOR JULIUS  
WHITTIER,

Plaintiffs,

VS.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, BIG 12 CONFERENCE,  
INC.,

Defendants.

§ MDL No. 2492  
§ Master Docket 13 C 9116  
§ Original N.D. Ill. Docket No. 14-cv-9322  
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§  
§ Judge John Z. Lee  
§ Magistrate Judge David M. Weisman  
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§ This Document Relates to N.D. Ill. Master  
§ Docket No. 16 C 8727

**PLAINTIFF JULIUS WHITTIER'S AMENDED  
MOTION FOR LEAVE TO AMEND HIS COMPLAINT**

COMES NOW Class Plaintiff Julius Whittier and files this his Amended Motion for Leave to Amend His Complaint pursuant to Rule 15, FRCP and in support thereof would show the Court as follows:

**I.**

Plaintiff seeks leave to amend his complaint because more than 21 days have passed since Defendant served its Answer and Defendant will not consent to amendment.

**II.**

Plaintiff filed his complaint on October 27, 2014, in the Western District of Texas; the case was transferred to the above-referenced MDL No. 2492, Docket No. 13-C-9116 on November 20, 2014, and incorporated therein for all purposes. Plaintiff now seeks to amend his complaint to add new parties.

**III.**

The Court should allow the filing of Plaintiffs Amended Complaint because Defendants will not be prejudiced, the Plaintiff is not guilty of bad faith, the filing of the amendment will not cause any undue delay, and the Court will not be substantially burdened by the filing.

**IV.**

The amended complaint arises out of the conduct set forth in the original complaint, and there is a sufficient identity of interest between the new Plaintiff, and the Movant and their respective claims so as to give the Defendants fair notice of the new Plaintiff's claims against them. Plaintiff's amended complaint is attached hereto as **Exhibit A**.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Julius Whittier prays that the court grant him leave to file the Amended Complaint.

Date: October 13, 2016.

Respectfully submitted,

/s/ Dwight E. Jefferson

Dwight E. Jefferson

State Bar No. 10605600

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**CERTIFICATE OF CONFERENCE**

Counsel for Plaintiffs left a voice mail message for counsel for Defendant in an attempt to obtain consent for this motion, but counsel for the Plaintiff did not receive a respond.

/s/ Dwight E. Jefferson

Dwight E. Jefferson

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record on this 13<sup>th</sup> day of October, 2016.

/s/ Dwight E. Jefferson

Dwight E. Jefferson